

105TH CONGRESS  
2D SESSION

# H. R. 3532

To authorize appropriations for the Nuclear Regulatory Commission for fiscal year 1999, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 24, 1998

Mr. DAN SCHAEFER of Colorado introduced the following bill; which was referred to the Committee on Commerce

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## A BILL

To authorize appropriations for the Nuclear Regulatory Commission for fiscal year 1999, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

### 3   **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Nuclear Regulatory  
5   Commission Authorization Act for Fiscal Year 1999”.

## 6       **TITLE I—AUTHORIZATION**

### 7   **SEC. 101. AUTHORIZATION OF APPROPRIATIONS FOR FIS-** 8       **CAL YEAR 1999.**

9       (a) COMMISSION.—There are authorized to be appro-  
10   priated to the Nuclear Regulatory Commission, in accord-

1   ance with the provisions of section 261 of the Atomic En-  
 2   ergy Act of 1954 (42 U.S.C. 2017) and section 305 of  
 3   the Energy Reorganization Act of 1974 (42 U.S.C. 5875),  
 4   \$483,340,000 for fiscal year 1999 to remain available  
 5   until expended, of which \$18,500,000 is authorized to be  
 6   appropriated from the Nuclear Waste Fund.

7       (b) OFFICE OF INSPECTOR GENERAL.—There are  
 8   authorized to be appropriated to the Nuclear Regulatory  
 9   Commission’s Office of Inspector General, in accordance  
 10   with the provisions of section 1105(a)(25) of title 31,  
 11   United States Code, \$5,300,000 for fiscal year 1999 to  
 12   remain available until expended.

13   **SEC. 102. ALLOCATION OF AMOUNTS AUTHORIZED.**

14       (a) IN GENERAL.—The amounts authorized to be ap-  
 15   propriated under section 101(a) for fiscal year 1999 shall  
 16   be allocated as follows:

17           (1)    NUCLEAR       REACTOR       SAFETY.—  
 18       \$211,422,000 for the Nuclear Reactor Safety Pro-  
 19       gram.

20           (2)    NUCLEAR       MATERIALS     SAFETY.—  
 21       \$48,869,000 for the Nuclear Materials Safety Pro-  
 22       gram.

23           (3)    NUCLEAR   WASTE   SAFETY.—\$29,147,000  
 24       for the Nuclear Waste Safety Program.

1           (4) COMMON DEFENSE AND SECURITY AND  
2       INTERNATIONAL INVOLVEMENT.—\$9,732,000 for  
3       the Common Defense and Security and International  
4       Activities or Affairs Program.

5           (5) PROTECTING THE ENVIRONMENT.—  
6       \$14,901,000 for the Protecting the Environment  
7       Program.

8           (6) MANAGEMENT AND SUPPORT.—  
9       \$169,269,000 for the Management and Support  
10      Program.

11      (b) LIMITATIONS.—The Nuclear Regulatory Commis-  
12     sion may use not more than 1 percent of the amounts allo-  
13     cated under subsection (a) to exercise its authority under  
14     section 31 a. of the Atomic Energy Act of 1954 (42 U.S.C.  
15     2051(a)) to make grants and enter into cooperative agree-  
16     ments with organizations such as universities, State and  
17     local governments, and not-for-profit institutions. Grants  
18     made by the Commission shall be made in accordance with  
19     chapter 63 of title 31, United States Code, and other ap-  
20     plicable law.

21      (c) REALLOCATION.—

22           (1) IN GENERAL.—Except as provided in para-  
23     graphs (2) and (3), any amount allocated for a fiscal  
24     year pursuant to any paragraph of subsection (a) for  
25     purposes of the program referred to in the para-

graph may be reallocated by the Nuclear Regulatory Commission for use in a program referred to in any other paragraph of subsection (a).

(2) LIMITATION.—The amount available from appropriations for use in any program specified in any paragraph of subsection (a) may not, as a result of reallocations made under paragraph (1), be increased or reduced by more than \$1,000,000, unless the Committee on Commerce of the House of Representatives and the Committee on Environment and Public Works of the Senate are notified in advance by the Commission. The notification shall contain a full and complete statement of the reallocation to be made and the facts and circumstances relied upon in support of the reallocation.

(3) USE OF CERTAIN FUNDS.—Funds authorized to be appropriated from the Nuclear Waste Fund may be used only for the high-level nuclear waste activities of the Commission and may not be reallocated for other Commission activities.

**SEC. 103. RETENTION OF FUNDS.**

Notwithstanding the provisions of section 3302 of title 31, United States Code, money received by the Nuclear Regulatory Commission for the cooperative nuclear safety research program, services rendered to State gov-

ernments, foreign governments and international organizations, and the material and information access authorization programs (including criminal history checks under section 149 of the Atomic Energy Act of 1954 (42 U.S.C. 2169)) may be retained and used for salaries and expenses associated with those activities, and shall remain available until expended.

**SEC. 104. TRANSFER OF CERTAIN FUNDS.**

From amounts authorized to be appropriated to the Nuclear Regulatory Commission under section 101(a), other than funds appropriated from the Nuclear Waste Fund, the Commission may transfer amounts to its Office of Inspector General, except that the total amount so transferred during any fiscal year may not exceed 5 percent of the amount authorized under section 101(b) for the fiscal year.

**SEC. 105. LIMITATION.**

Notwithstanding any other provision of this Act, no authority to make payments under this Act shall be effective except to such extent or in such amounts as are provided in advance in appropriation Acts.

**SEC. 106. LICENSE FEE EXEMPTION.**

Funds authorized to be appropriated by this Act for regulatory reviews and other assistance provided by the Nuclear Regulatory Commission to the Department of En-

ergy and other Federal agencies for activities that do not derive their funding from the Nuclear Waste Fund shall be excluded from the calculation of the aggregate amount of charges described in section 6101(c)(2) of the Omnibus Budget Reconciliation Act of 1990 (42 U.S.C. 2214(c)(2)).

**SEC. 107. NRC USER FEES AND ANNUAL CHARGES.**

Section 6101(a)(3) of the Omnibus Budget Reconciliation Act of 1990 (42 U.S.C. 2214(a)(3)) is amended by striking “September 30, 1998” and inserting “September 30, 2003”.

**TITLE II—OTHER PROVISIONS**

**SEC. 201. OFFICE LOCATION.**

Section 23 of the Atomic Energy Act of 1954 (42 U.S.C. 2033) is amended by striking “; however, the Commission shall maintain an office for the service of process and papers within the District of Columbia”.

**SEC. 202. PERIOD OF A COMBINED LICENSE.**

Paragraph c. of section 103 of the Atomic Energy Act of 1954 (42 U.S.C. 2133(c)) is amended by adding at the end the following: “In the case of a combined construction and operating license issued under section 185 b., the initial duration of the license may not exceed 40 years from the date on which the Commission finds, prior

1 to operation of the facility, that the acceptance criteria  
 2 required by section 185.b have been met.”

3 **SEC. 203. GIFT ACCEPTANCE AUTHORITY.**

4 Section 161 g. of the Atomic Energy Act of 1954 (42  
 5 U.S.C. 2201(g)) is amended—

6 (1) by inserting “(1)” after “g.”, and

7 (2) by adding the following paragraph after  
 8 paragraph (1):

9 “(2) accept, hold, utilize, sell, and administer  
 10 gifts, bequests, or donations of real and personal  
 11 property for the purpose of aiding or facilitating the  
 12 work of the Nuclear Regulatory Commission. There  
 13 is established in the Treasury a fund for use in ac-  
 14 cordance with the provisions of this paragraph. Any  
 15 gift of money accepted pursuant to the authority  
 16 granted in this paragraph, or the net proceeds from  
 17 the sale of any property so accepted, shall be depos-  
 18 ited in the fund. Such funds shall be held in trust  
 19 by the Secretary of the Treasury and shall be dis-  
 20 bursed upon certification by the Chairman of the  
 21 Nuclear Regulatory Commission. Property accepted  
 22 pursuant to this paragraph, and the proceeds there-  
 23 of, shall be used as nearly as possible in accordance  
 24 with the terms of the gift, bequest, or donation if  
 25 such terms are not inconsistent with this paragraph

1 or any other applicable law. The Commission shall  
 2 establish written criteria for determining whether to  
 3 accept bequests, gifts, or donations of money or  
 4 property pursuant to this paragraph. Such criteria  
 5 shall take into consideration whether the acceptance  
 6 of the gift, bequest, or donation would compromise  
 7 the integrity of, or the appearance of the integrity  
 8 of, the Nuclear Regulatory Commission or any offi-  
 9 cer or employee of the Commission. For purposes of  
 10 Federal income, estate, and gift taxes, property ac-  
 11 cepted under this paragraph shall be considered as  
 12 a gift, bequest, or devise to the United States.”.

13 **SEC. 204. CARRYING OF FIREARMS BY LICENSEE EMPLOY-**  
 14 **EES.**

15 Section 161 k. of the Atomic Energy Act of 1954 (42  
 16 U.S.C. 2201(k)) is amended to read as follows:

17 “k. authorize such of its members, officers, and  
 18 employees as it deems necessary in the interest of  
 19 the common defense and security to carry firearms  
 20 while in the discharge of their official duties. The  
 21 Commission may also authorize—

22 “(1) such of those employees of its con-  
 23 tractors and subcontractors (at any tier) en-  
 24 gaged in the protection of property under the  
 25 jurisdiction of the United States located at fa-



1 facilities owned by or contracted to the United  
2 States or being transported to or from such fa-  
3 cilities as it deems necessary in the interests of  
4 the common defense and security; and

5 “(2) such of those employees of persons li-  
6 censed or certified by the Commission (includ-  
7 ing employees of contractors of licensees or cer-  
8 tificate holders) engaged in the protection of  
9 property of significance to the common defense  
10 and security located at facilities owned or oper-  
11 ated by a Commission licensee or certificate  
12 holder or being transported to or from such fa-  
13 cilities;

14 to carry firearms while in the discharge of their offi-  
15 cial duties. A person authorized to carry firearms  
16 under this subsection may, while in the performance  
17 of, and in connection with, official duties make ar-  
18 rests without warrant for any offense against the  
19 United States committed in that person’s presence  
20 or for any felony cognizable under the laws of the  
21 United States if that person has reasonable grounds  
22 to believe that the individual to be arrested has com-  
23 mitted or is committing such felony. An employee of  
24 a contractor or subcontractor or of a Commission  
25 licensee or certificate holder (or a contractor of a

1 licensee or certificate holder) authorized to carry  
2 firearms under this subsection may make such ar-  
3 rests only when the individual to be arrested is with-  
4 in, or in direct flight from, the area of such offense.  
5 A person granted authority to make arrests by this  
6 subsection may exercise that authority only in the  
7 enforcement of laws regarding the property of the  
8 United States in the custody of the Department of  
9 Energy, the Nuclear Regulatory Commission, or a  
10 contractor of the Department of Energy or Nuclear  
11 Regulatory Commission or a licensee or certificate  
12 holder of the Commission, laws applicable to prop-  
13 erty of significance to the common defense and secu-  
14 rity that is in the custody of a licensee or certificate  
15 holder or a contractor of a licensee or certificate  
16 holder of the Commission, or any provision of this  
17 chapter that may subject an offender to a fine, im-  
18 prisonment, or both. The arrest authority conferred  
19 by this subsection is in addition to any arrest au-  
20 thority under other laws. The Secretary and the  
21 Commission, with the approval of the Attorney Gen-  
22 eral, shall issue guidelines to implement this sub-  
23 section.”.

1 **SEC. 205. SABOTAGE OF PRODUCTION, UTILIZATION, OR**  
2 **WASTE STORAGE FACILITIES UNDER CON-**  
3 **STRUCTION.**

4 Section 236 a. of the Atomic Energy Act of 1954 (42  
5 U.S.C. 2284(a)) is amended to read as follows:

6 “a. Any person who intentionally and willfully de-  
7 stroys or causes physical damage to, or who intentionally  
8 and willfully attempts to destroy or cause physical damage  
9 to—

10 “(1) any production facility or utilization facil-  
11 ity licensed under this Act;

12 “(2) any nuclear waste storage, treatment, or  
13 disposal facility licensed under this Act;

14 “(3) any uranium enrichment or nuclear fuel  
15 fabrication facility licensed or certified by the Nu-  
16 clear Regulatory Commission;

17 “(4) any production, utilization, waste storage,  
18 waste treatment, waste disposal, uranium enrich-  
19 ment, or nuclear fuel fabrication facility subject to  
20 licensing or certification under this Act during its  
21 construction where the destruction or damage  
22 caused or attempted to be caused could affect public  
23 health and safety during the operation of the facil-  
24 ity; or

1           “(5) any nuclear fuel for a utilization facility li-  
 2           censed under this Act, or any spent nuclear fuel  
 3           from such a facility;  
 4 shall be fined not more than \$10,000 or imprisoned for  
 5 not more than 10 years, or both.”.

6 **SEC. 206. UNAUTHORIZED INTRODUCTION OF DANGEROUS**  
 7 **WEAPONS.**

8           Section 229 a. of the Atomic Energy Act of 1954 (42  
 9 U.S.C. 2278a(a)) is amended by adding after “custody of  
 10 the Commission” the following: “or subject to its licensing  
 11 authority or to certification by the Commission under this  
 12 Act or any other Act.”.

13 **SEC. 207. CONTINUATION OF COMMISSIONER SERVICE.**

14           Section 201(c) of the Energy Reorganization Act of  
 15 1974 (42 U.S.C. 5841(c)) is amended—

16           (1) by inserting “(1)” after “(c)”, and

17           (2) by adding the following paragraph after  
 18 paragraph (1):

19           “(2) A member of the Commission whose term of of-  
 20 fice has expired may, subject to the removal power of the  
 21 President, continue to serve as a member until the mem-  
 22 ber’s successor has taken office, except that the member  
 23 shall not continue to serve beyond the expiration of the

- 1 next session of Congress subsequent to the expiration of
- 2 the fixed term of office.”.

